

From: M. Schultz
To: Microsoft ATR
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Subject: Microsoft Settlement

Department of Justice

Dear Folks:

When pondering settlement penalties and costs as compensation for monopoly practices, it is appropriate to consider where the electronic industry would be today had Microsoft (MSFT) not been allowed to ride roughshod over the hardware and software industries over the last 9 years.

Is it conjecture to work to try to determine where the industry would be or can one forecast with relative accuracy? Forecasting the future is highly problematic but we have many employed in that field, including within the government, so even forward looking is considered a legitimate exercise.

This effort, however, is more akin to "Monday morning quarterbacking," and I believe it can be done rather precisely. Determination of the paths available in retrospect can be made highly accurate.

There are much better pundits and experts that I to accomplish this but I can tell you from my nearly 30 years of experience in the electronics industry that had MSFT been reigned in by Justice when they began this illegal and unethical activity, the face of the software and hardware world and the high technology industry would be very much different.

Netscape might be the largest software company and we could all very well be using Apple computers. There would be much different corporate use globally, and the many flavors of Linux utilized by enterprise would not have appropriated the hundreds of billions of dollars out of the economy that MSFT pulled. How many new firms would this money have spawned? How many jobs would it have created? What new technologies could have been driven that without the world of Windows to crush and destroy them, would now be thriving enterprises?

The reason that the high tech industry is in such a shambles and depression right now is as a direct result of one player dominating the market and the industry for far too long. Nine years without much innovation on the desktop and the resulting spawn of computer viruses are one the best testimonies on the one player who controls everything.

I believe the huge tech industry in the United States would be MORE THAN DOUBLE it's current size today, employing hundreds of thousands of additional workers, had Justice not been asleep at the wheel and MSFT not been allowed to dominate and obliterate virtually everyone in their path.

To make things right, I believe MSFT must be forced to contribute \$100 billion dollars to an electronics industry investment fund, so that enterprising companies and individuals can receive funding to bring their ideas and products to market. MSFT must also open all closed standards on their browser and their operating system; their applications, such as Office, etc., should remain their sole IP. This penalty should be paid over 5 years, to give the economy a boost.

This penalty will return some of the money MSFT appropriated from the electronics industry, and although we can never get these nine years back to re-live, at least we can re-establish a level playing field and an atmosphere of innovation once again. This money will create jobs, and these jobs will create a greater tax base. Hopefully, we can re-capture some of the jobs MSFT eliminated from the economy.

Additionally, an oversight committee must be established to make certain MSFT is properly regulated and does not commit further damage to the American economy. Because of MSFT's power and wealth, the individuals on the committee should be rotated every six months.

Again, I firmly believe the computer and electronics industry would be more than double it's current size if one company had not sucked so much capital and resources out of the economy. Imagine spreading all of that capital around hundreds of companies over the last nine years, and I think you would be able to envision where the US electronics industry would be right now.

Good luck, keep up the good work and thank you very much for not allowing MSFT to escape and profit from the earlier absurd settlement. Push this win to conclusion.

Best,
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CC: Tam Ormiston